

RULEMAKING NOTICE FORM

Notice Number	2016-156	Rule Number	He-W 702.01, He-W 756.06
1. Agency Name & Address: Dept. of Health and Human Services Division of Family Assistance 129 Pleasant St, Brown Bldg. Concord, NH 03301		2. RSA Authority:	RSA 161:4-a, IV; RSA 167:3-c, I
		3. Federal Authority:	_____
		4. Type of Action:	
		Adoption	_____
		Amendment	_____
		Repeal	_____
		Readoption	_____
		Readoption w/amendment	X
5. Short Title: Food Stamp EBT Benefit Issuance and Extended Food Stamp (EFS) Benefits			

6. (a) Summary of what the rule says and of any proposed amendments:

He-W 702.01 and He-W 756.06 are scheduled to expire 11-21-16 but are subject to extension pursuant to RSA 541-A:14-a. The New Hampshire Department of Health and Human Services (Department) is proposing to:

- **Readopt with amendment He-W 702.01, which describes the electronic benefit transfer (EBT) card method of issuance for Food Stamp benefits, how an EBT card may be obtained and a personal identification number (PIN) selected, the actions that an authorized representative (AR) may take on behalf of a Food Stamp recipient in relation to an EBT card, the procedure for removing an individual's Food Stamp benefits from his or her EBT card if benefits have not been accessed for a period of 365 days after the date the benefits were issued, and the replacement of EBT benefits and EBT cards. In addition to adding applicable federal citations, replacing "client" with "individual," and abbreviating Authorized Representative to "AR," the Department is also proposing to:**
 - **Remove the references to "activating" EBT cards, and replace this term with "selection of PIN" in He-W 702.01(b)(2) and (d) to clarify the steps that an individual must take to begin using his or her EBT card after receipt, as cards are federally required to be active when provided to the recipient; and**
 - **Insert language in He-W 702.01(f) to clarify that only the Food Stamp benefits that have not been accessed for a period of 365 calendar days after the date of issuance will be removed from the EBT account; and**
- **Readopt with amendment He-W 756.06, which describes eligibility for extended Food Stamp (EFS) benefits after a household's Financial Assistance to Needy Families (FANF) cash assistance has ended, the EFS certification period, and the recertification requirements for a household that is eligible for EFS benefits. The Department is proposing to readopt this rule with amendments to abbreviate extended Food Stamps as EFS, and to insert federal citations for clarity.**

6. (b) Brief description of the groups affected:

Applicants and recipients of Food Stamp benefits are affected by He-W 702.01, and households eligible for extended Food Stamp (EFS) benefits are affected by He-W 756.06.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	RSA/ Federal Citation
He-W 702.01	RSA 161:2, I; RSA 161:4-a, IV; 7 CFR 273.2(f)(1)(vii), (n); 7 CFR 274.2(b), (f), (h)(2); 7 CFR 274.6; 7 CFR 274.8; 7 USC 2016(h)
He-W 756.06	RSA 161:4-a, IV; 7 CFR 273.14; 7 CFR 273.26; 7 CFR 273.27; 7 CFR 273.31; 7 CFR 273.32; 7 USC 2020(s)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Catherine Bernhard** Title: **Rules Coordinator**
Address: **Dept. of Health & Human Services** Phone #: **271-9374**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant Street E-mail: **catherine.bernhard@dhhs.state.nh.us**
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, September 29, 2016**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, September 22, 2016 at 10:30 AM**

Place: **DHHS, Brown Bldg, Room 288, 129 Pleasant Street, Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **16:166**, dated **August 22, 2016**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact of state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To Independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not create a new program or responsibility. The proposed rules modify an existing program or responsibility, but do not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.

Readopt with amendment He-W 702.01, effective 11-21-08 (Document #9327), to read as follows:

PART He-W 702 FOOD STAMP BENEFIT ISSUANCE

He-W 702.01 Method of Issuance.

(a) Food stamp benefits shall be issued to eligible individuals through the electronic benefit transfer (EBT) system, pursuant to 7 CFR 274.12(b)(1).

(b) An individual who is determined eligible to receive food stamp benefits shall:

(1) Obtain an EBT card through:

- a. The district office; or
- b. The mail, from the department;

(2) ~~Activate the EBT card by~~ Selecting a Personal Identification Number (PIN) for the EBT Card:

- a. At the district office; or
- b. ~~Through~~ Using an automated method made available through the ~~division's department's~~ EBT contractor;

(3) Access the EBT account with the EBT card using the PIN; and

(4) Be responsible for the security of the EBT card and PIN.

(c) An individual or authorized representative (AR) obtaining an EBT card at the district office shall present proof of identity, pursuant to the examples of acceptable documentary evidence described at He-W 606.287 CFR 273.2(f)(1)(vii), before being given the EBT card.

(d) An ~~client individual~~ described in (b), above, shall be allowed to designate an ~~AR~~ authorized representative, pursuant to He-W 603.01, to:

(1) Receive an EBT card on behalf of the ~~client individual~~ and ~~activate the card with~~ select a PIN for the card chosen by the ~~authorized representative~~ AR;

(2) Obtain the card on the ~~client's individual's~~ behalf for subsequent ~~activation of the card~~ selection of a PIN by the ~~client individual~~ over the telephone with the using the automated method made available through the EBT contractor; or

(3) Perform the ~~card activation~~ PIN selection at the district office for the ~~client individual~~ with the PIN provided by the ~~client individual~~ to the ~~authorized representative~~ AR.

(e) An ~~client individual~~ shall not obtain the AR's EBT card ~~for on behalf of~~ the ~~authorized representative~~ AR when the ~~client individual~~ has authorized the ~~representative~~ AR to receive the EBT card pursuant to (d) above.

(f) ~~An EBT Food stamp benefits account~~ which has ~~not been accessed by the individual received any debit transactions~~ for a period of 365 calendar days ~~after the date the benefits were issued~~ shall be considered no longer available to the ~~client individual~~ and ~~permanently~~ removed from the ~~EBT~~ account, ~~pursuant to 7 CFR 274.2(h)(2)~~.

(g) EBT benefits shall be replaced by the department pursuant to 7 CFR 274.6.

(h) An individual shall request a replacement EBT card through the department's EBT contractor or the district office.

Readopt with amendment He-W 756.06, effective 11-21-08 (Document #9327), to read as follows:

He-W 756.06 Public Assistance Households.

(a) Pursuant to ~~7 USC 2020(s)~~ 7 CFR 273.26, eligible households in which at least one member of the household is receiving financial assistance to needy families (FANF), shall be provided with up to 5 months of extended food stamp (EFS) benefits after the household's FANF financial assistance ends.

(b) When determining eligibility for and during the period of time when the household is receiving ~~EFS extended food stamp~~ benefits, changes in household circumstances that are used to determine eligibility and benefit amount for other state or federal means-tested assistance programs in which the household participates, shall not be used to adjust the ~~EFS extended food stamp~~ benefit amount.

(c) ~~Pursuant to 7 CFR 273.27(c), the~~ food stamp certification period for households eligible for the ~~EFS extended food stamp~~ benefits described in (a) above, shall be adjusted to end in the month that the household's 5-month extended benefit period ends.

(d) ~~Pursuant to 7 CFR 273.31(b), At~~ the end of the ~~EFS extended food stamp~~ certification period described in (c) above, the household shall be required to recertify pursuant to 7 CFR 273.14.

APPENDIX

<u>Rule</u>	<u>RSA/ Federal Citation</u>
He-W 702.01	RSA 161:2, I; RSA 161:4-a, IV; 7 CFR 273.2(f)(1)(vii), (n); 7 CFR 274.2(b), (f), (h)(2); 7 CFR 274.6; 7 CFR 274.8; 7 USC 2016(h)
He-W 756.06	RSA 161:4-a, IV; 7 CFR 273.14; 7 CFR 273.26; 7 CFR 273.27; 7 CFR 273.31; 7 CFR 273.32; 7 USC 2020(s)